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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,222	01/20/2006	Erol Ralph Tanir	S18.001	8053
28962 7590 07/01/2008 BUCKLEY, MASCHOFF & TALWALKAR LLC 50 LOCUST AVENUE NEW CANAAN, CT 06840				
EXAMINER				
MAL HUY KIM				
ART UNIT		PAPER NUMBER		
2873				
MAIL DATE		DELIVERY MODE		
07/01/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/523,222

Applicant(s)

TANIR ET AL.

Examiner

Huy K. Mai

Art Unit

2873

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2008.
2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23/24 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 1-18 and 20-22 is/are allowed.
6) ☐ Claim(s) _____ is/are rejected.
7) ☒ Claim(s) 19 and 23 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date 3/24/08
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Inventor's Patent Application
6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) filed March 24, 2008 is acknowledged.

Claim Objections

2. Claims 19 and 23 are objected to because of the following informalities: The phrase “the hinge portion” (claim 19, lines 1-2) should be clarified; otherwise, this phrase has no antecedent basis. The word “includees” (claim 23, line 5) is typo. Appropriate correction is required.

Objections to the Amendments

3. The preliminary amendment filed January 31, 2005 is objected to because the amendment to amend claims does not correspond to the original claims; i.e., the original claims 1-24 includes two independent claims 1 and 24 while the preliminary amended claims 1-23 includes two independent claims 1 and 23. None of the original claims was cancelled. It appears that one original claim is missing.

Accordingly, the amendment filed March 24, 2008 is objected to for the same reasons of objection to the preliminary amendment.

In order to avoid confusing, it is advised that all the previous presented claims 1-24 (including the original claims) should be cancelled, and add, then, new claims 25-47 which are the same as claims 1-23 presented in the amendment filed March 24, 2008.

Allowable Subject Matter

4. Claims 1-23 are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter: It is agreed with the applicant's arguments on pages 5 to that the applicant points out the

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deficiencies in the Blackstone references compare to the claimed invention wherein Blackstone fails to teach or suggest a spectacle kit having a pair of lenses made of flexible material, upper and lower portions being movable toward one another so as to overlap and form a convex curved portion in each lens, or side arms having a slot suitable for receiving and retaining the upper and lower portions of each lens. The prior art does not disclose or fairly suggest, either alone or in combining with any other references to meet the limitations as claimed in claim 1 and 23 either under 35 USC 102 or 103. Therefore claims 1-23 could be allowable over the prior art of record.

Conclusion

6. This application is in condition for allowance except for the following formal matters:

The above objection to claims and amendments.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Mai whose telephone number is (571) 272-2334. The examiner can normally be reached on M-F (8:00 a.m.-4:30 p.m.).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky L. Mack can be reached on (571) 272-2333. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1562.

/Huy Mai/

Huy Mai

Primary Examiner, Art Unit 2873

HM

June 30, 2008